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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,281	10/31/2003	Kazuo Okada	SHO-0055	8441
23353 7590 01/14/2011 RADER FISHMAN & GRAUER PLLC LION BUILDING 1233 20TH STREET N.W., SUITE 501 WASHINGTON, DC 20036				
EXAMINER PINHEIRO, JASON PAUL				
ART UNIT		PAPER NUMBER		
3717				
MAIL DATE		DELIVERY MODE		
01/14/2011		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/697,281

Applicant(s)

OKADA, KAZUO

Examiner

Jason Pinheiro

Art Unit

3717

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5, 7, 10, 16 and 38-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5, 7, 10, 16 and 38-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-945)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. After the amendments filed 12/02/2010, claims 5, 10 and 16 were amended. Therefore, claims 5, 7, 10, 16 and 38-41 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 10, 16 & 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uchida (US 6,343,161) and Ahuja (US 6,157,529) in view of Bowron (US 7,374,258). The previous rejection is maintained and incorporated herein. With respect to the subject matter regarding an "electrically grounded gaming machine" and "wherein the image control device is built in and connected to an upper portion of the electronically grounded game machine" the examiner would like to point out that inherently all gaming machines are electrically grounded. First, game machines electronic components are grounded in order to work. Secondly the gaming chassis is grounded in order to prevent tampering and for protection of the person using the game machine. With respect to the location and placement of the image control device please see Bowron figure 2 part number 34 and 62 which are the computer and the power supply which are built in the upper portion of a gaming cabinet, and as can be seen in figure 2, the upper portion is geometrically apart from a lower portion of the gaming machine (see

reference characters 50 and 60 as components which are built in to a lower portion, which is geometrically apart from the upper portion). Further, Bowron discloses a keyboard as part of the lower portion (see figure 2, reference character 50) which would be inherently exposed to an influence of static electricity when contacted by a player, therefore the lower portion would be exposed to the influence of static electricity caused by a physical contact by a player. While many different there exists many different hardware and cabinet construction in the art one would be motivated to employ this type of hardware architecture just as well as any other hardware architecture in a gaming machine. Therefore it would be obvious to combine the above reference in order to anticipate the claimed invention.

Claims 7 and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uchida (US 6,343,161) and Ahuja (US 6,157,529) in view of Bowron (US 7,374,258) as applied to the claims above in further view of Loose et al (US 6,517,433). The previous rejection with respect to Uchida, Ahuja and Loose are maintained and incorporated herein. Bowron is applied to the rejection as explained above.

Response to Arguments

3. Applicant's arguments filed 10/20/2009 have been fully considered but they are not persuasive.
4. Regarding applicant's argument that Uchida, Ahuja, and Bowron do not disclose that "the upper portion is geometrically apart from a lower portion of the electrically-grounded gaming machine": The Examiner must respectfully disagree. Bowron

discloses a lower portion which is geometrically apart from the upper portion of the gaming machine (see reference characters 34 and 62 as components built into the upper portion, and see reference characters 50 and 60 as components which are built in to the lower portion, which is geometrically apart from the upper portion).

5. Regarding applicant's argument that Uchida, Ahuja, and Bowron do not disclose that "the lower portion is exposed to an influence of static electricity caused by a physical contact by a player": The Examiner must respectfully disagree. Bowron discloses a keyboard as part of the lower portion (see figure 2, reference character 50) which would be inherently exposed to an influence of static electricity when contacted by a player, therefore since the keyboard is part of the lower portion, the lower portion would be exposed to the influence of static electricity caused by a physical contact by a player.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Pinheiro whose telephone number is (571) 270-1350. The examiner can normally be reached on M-Th: 7-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Melba Bumgarner can be reached on 571-272-4709. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Melba Bumgarner/
Supervisory Patent Examiner, Art Unit 3717

/J. P./
Examiner, Art Unit 3717